

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANTYWYN GIBBS,

Petitioner,

v.

Civil Action No. 2:20-cv-00370

DONNIE AMES,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending is petitioner's "Motion for Reconsideration,"
filed June 15, 2020.

This action was previously referred to United States Magistrate Judge Omar J. Aboulhosen for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On June 25, 2020, the magistrate judge entered a PF&R recommending that the court construe petitioner's "Motion for Reconsideration" as a motion for voluntary dismissal, grant the motion for voluntary dismissal, dismiss the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 without prejudice, and remove this matter from the court's docket.

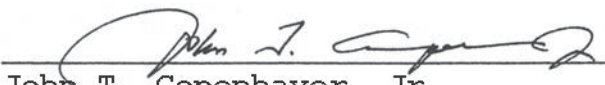
Petitioner having not filed any objections to the PF&R, it is ORDERED that the findings made in the PF&R of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that:

1. Construing petitioner's "Motion for Reconsideration" as a motion for voluntary dismissal, petitioner's motion for voluntary dismissal be, and it hereby is, granted.
2. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and it hereby is, dismissed without prejudice.
3. This action is stricken from the court's docket.

The Clerk is directed to forward copies of this written opinion and order to petitioner, all counsel of record, and the United States Magistrate Judge.

ENTER: July 22, 2020



John T. Copenhaver, Jr.
Senior United States District Judge